

BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP  
1900 ST. JAMES PLACE SUITE 500  
HOUSTON, TX 77056  
(713) 621-8673

Attorney for INDYMAC FEDERAL BANK, F.S.B ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT  
DALLAS DIVISION

IN RE:	§ CASE NO. 08-35391-BJH-7
	§
BRENT WINSTON ETHUN, SR and	§
STEFANIE MAE ETHUN,	§
Debtor	§ CHAPTER 7
	§
INDYMAC FEDERAL BANK, F.S.B.	§
ITS ASSIGNS AND/OR	§
SUCCESSORS IN INTEREST,	§
Movant	§ HEARING DATE: _____
	§
v.	§ TIME: _____
	§
BRENT WINSTON ETHUN, SR and	§
STEFANIE MAE ETHUN; and	§
ROBERT YAQUINTO, JR.,	§
Trustee	§
Respondents	§ JUDGE BARBARA J. HOUSER

PLEASE BE ADVISED THAT IT IS THE INTENTION OF MOVANT TO OFFER INTO EVIDENCE AT ANY HEARING ON THE MOTION THIS AFFIDAVIT AND PAYMENT HISTORY PURSUANT TO THE FEDERAL RULES OF EVIDENCE, RULE 902(11). THIS AFFIDAVIT AND PAYMENT HISTORY ARE BEING PROVIDED TO YOU IN ADVANCE AS AN ADVERSE PARTY IN ORDER TO ALLOW YOU A FAIR OPPORTUNITY TO CHALLENGE SAID RECORDS. YOU ARE HEREBY PLACED ON NOTICE OF THIS INTENTION AS REQUIRED BY THE FEDERAL RULES OF EVIDENCE, RULE 902(11).

AFFIDAVIT OF \_\_\_\_\_ FOR  
INDYMAC FEDERAL BANK, F.S.B ITS ASSIGNS AND/OR SUCCESSORS IN  
INTEREST

STATE OF TX §  
COUNTY OF Williamson §  
§

Erica A. Johnson- Beck being duly sworn deposes and says:

1. That affiant is the authorized representative of INDYMAC FEDERAL BANK, F.S.B ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST and authorized to make this affidavit. I have the care, custody and control of all records concerning the account with Debtor(s). All facts recited herein are within my personal knowledge and are true and correct.

2. These records show that INDYMAC FEDERAL BANK, F.S.B ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST is the Owner or Servicer of the Note executed on August 02, 2006 in the original principal amount of THREE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$327,500.00).

3. These records show that said Note is secured by a Deed of Trust. A true and correct copy of said Deed of Trust is attached to Movant's Motion for Relief from Stay. Said Deed of Trust represents a valid indebtedness. The property address is 17267 132ND TRAIL NORTH, JUPITER, FL 33478.

4. The Books and Records of INDYMAC FEDERAL BANK, F.S.B ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST show that:

- a. The outstanding principal balance is \$327,500.00.
- b. That interest accrues from 04/01/08 at the rate of 7% per annum.
- c. The contractual due date of the account is 05/01/08. The last payment received and applied to the account was on 04/11/2008.
- d. That the account is due contractually for:  
(Monthly) at (Payment Amt.)
  - 1. 05/01/2008 \$1,910.42
  - 2. 06/01/2008 \$1,910.42
  - 3. 07/01/2008 \$1,910.42
  - 4. 08/01/2008 \$1,910.42
  - 5. 09/01/2008 \$1,910.42
  - 6. 10/01/2008 \$1,910.42
  - 7. 11/01/2008 \$3,163.41
  - 8. 12/01/2008 \$3,163.41

An additional payment in the amount of \$3,163.41 will be come due on 01/01/2009.

Funds in Suspense \$0.00.

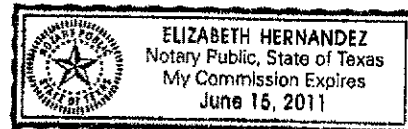
5. A true and correct copy of an accounting of the payments made on this loan is attached hereto. This accounting is kept in the normal course and scope of the business activity of INDYMAC FEDERAL BANK, F.S.B ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST, and constitutes a business record of INDYMAC FEDERAL BANK, F.S.B ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST.

Erica A. Johnson - Secy  
Erica A. Johnson - Secy Vice President

Subscribed and sworn to me the undersigned authority of this 3 day of Dec.

My Commission Expires:

Elizabeth Hernandez  
Notary Public in and for the  
State of TX



P309 LN MORTGAGE LOAN HISTORY 12-18-08

NAME BW ETHUN SR INV-LN DUE 05-01-08 TYPE 13-A

BR 00 MAN B P-TYPE 1 INT .0700000 FIRST PB 327,500.00 2ND PB .00

HUD .00 NET 1910.42 SF .00670000 SUSP .00 STOP D B P F N A D L

REP .00 RES .00 B 0 0 2 2 0 0 1

	12-06	10-31	09-22	08-09	06-09
APP	12-06	10-31	09-22	08-09	06-09
DUE	12-06	11-06	10-06	09-06	10-06
TYPE/TRAN	1 72	1 72	1 72	1 70	1 42
AMOUNT	1,910.42	1,910.42	1,910.42	1,528.33	.00
PRIN-PD	.00	.00	.00	.00	327,500.00
PRIN-BAL	327,500.00	327,500.00	327,500.00	327,500.00	327,500.00
INT-PD	1,910.42	1,910.42	1,910.42	1,528.33	.00
ESC-PD	.00	.00	.00	.00	.00
ESC-BAL	.00	.00	.00	.00	.00
A&H-INS	.00	.00	.00	.00	.00
LIFE-INS	.00	.00	.00	.00	.00
LC/FEES	.00	.00	.00	.00	.00
MISC-PD	.00	.00	.00	.00	.00
ADV-BAL	.00	.00	.00	.00	.00
SUSP	.00	.00	.00	.00	.00
SC/PAYEE *	*	*	*	*	

PAGE 009 OF 009 \*\*PRESS PF10 FOR 37 MONTHS\*\* OLDEST TRAN 08-09-06 /P

P309 LN MORTGAGE LOAN HISTORY 12-18-08

NAME BW ETHUN SR INV-LN DUE 05-01-08 TYPE 13-A

BR 00 MAN B P-TYPE 1 INT .0700000 FIRST PB 327,500.00 2ND PB .00

HUD .00 NET 1910.42 SF .00670000 SUSP .00 STOP D B P F N A D L

REP .00 RES .00 B 0 0 2 2 0 0 1

APP	05-08	04-04	03-12	01-31	01-02
DUE	05-07	04-07	03-07	02-07	01-07
TYPE/TRAN	1 72	1 72	1 72	1 72	1 72
AMOUNT	1,910.42	1,910.42	1,915.42	1,910.42	1,910.42
PRIN-PD	.00	.00	.00	.00	.00
PRIN-BAL	327,500.00	327,500.00	327,500.00	327,500.00	327,500.00
INT-PD	1,910.42	1,910.42	1,910.42	1,910.42	1,910.42
ESC-PD	.00	.00	.00	.00	.00
ESC-BAL	.00	.00	.00	.00	.00
A&H-INS	.00	.00	.00	.00	.00
LIFE-INS	.00	.00	.00	.00	.00
LC/FEES	.00	.00 0	5.00	.00	.00
MISC-PD	.00	.00	.00	.00	.00
ADV-BAL	.00	.00	.00	.00	.00
SUSP	.00	.00	.00	.00	.00
SC/PAYEE *	*	*	*	*	*

PAGE 008 OF 009 TOTAL TRANS AVAILABLE 0045 OLDEST TRAN 08-09-06 /P

P309 LN MORTGAGE LOAN HISTORY 12-18-08

NAME BW ETHUN SR INV-LN DUE 05-01-08 TYPE 13-A

BR 00 MAN B P-TYPE 1 INT .07000000 FIRST PB 327,500.00 2ND PB .00

HUD .00 NET 1910.42 SF .00670000 SUSP .00 STOP D B P F N A D L

REP .00 RES .00 B 0 0 2 2 0 0 1

APP	09-25	09-17	08-08	07-11	06-06
DUE	09-07	09-07	08-07	07-07	06-07
TYPE/TRAN	1 72	1 52	1 72	1 72	1 72
AMOUNT	2,005.94	.00	1,910.42	1,910.42	1,910.42
PRIN-PD	.00	.00	.00	.00	.00
PRIN-BAL	327,500.00	327,500.00	327,500.00	327,500.00	327,500.00
INT-PD	1,910.42	.00	1,910.42	1,910.42	1,910.42
ESC-PD	.00	.00	.00	.00	.00
ESC-BAL	.00	.00	.00	.00	.00
A&H-INS	.00	.00	.00	.00	.00
LIFE-INS	.00	.00	.00	.00	.00
LC/FEES 1	95.52 1	95.52-	.00	.00	.00
MISC-PD	.00	.00	.00	.00	.00
ADV-BAL	.00	.00	.00	.00	.00
SUSP	.00	.00	.00	.00	.00
SC/PAYEE *		*	*	*	

PAGE 007 OF 009 TOTAL TRANS AVAILABLE 0045 OLDEST TRAN 08-09-06 P

E309 LN MORTGAGE LOAN HISTORY 12-18-08

NAME BW ETHUN SR INV-LN DUE 05-01-08 TYPE 13-A

BR 00 MAN B P-TYPE 1 INT .0700000 FIRST PB 327,500.00 2ND PB .00

HUD .00 NET 1910.42 SF .00670000 SUSP .00 STOP D B P F N A D L

REP .00 RES .00 B 0 0 2 2 0 0 1

	02-08	01-07	12-11	11-14	10-15
APP					
DUE	02-08	01-08	12-07	11-07	10-07
TYPE/TRAN	1 72	1 72	1 72	1 72	1 72
AMOUNT	1,910.42	1,910.42	1,910.42	1,910.42	1,910.42
PRIN-PD	.00	.00	.00	.00	.00
PRIN-BAL	327,500.00	327,500.00	327,500.00	327,500.00	327,500.00
INT-PD	1,910.42	1,910.42	1,910.42	1,910.42	1,910.42
ESC-PD	.00	.00	.00	.00	.00
ESC-BAL	.00	.00	.00	.00	.00
A&H-INS	.00	.00	.00	.00	.00
LIFE-INS	.00	.00	.00	.00	.00
LC/FEES	.00	.00	.00	.00	.00
MISC-PD	.00	.00	.00	.00	.00
ADV-BAL	.00	.00	.00	.00	.00
SUSP	.00	.00	.00	.00	.00
SC/PAYEE *	*	*	*	*	*

PAGE 006 OF 009 TOTAL TRANS AVAILABLE 0045 OLDEST TRAN 08-09-06  $\angle$ P

R309 LN MORTGAGE LOAN HISTORY 12-18-08

NAME BW ETHUN SR INV-LN DUE 05-01-08 TYPE 13-A

BR 00 MAN B P-TYPE 1 INT .0700000 FIRST PB 327,500.00 2ND PB .00

HUD .00 NET 1910.42 SF .00670000 SUSP .00 STOP D B P F N A D L

REP .00 RES .00 B 0 0 2 2 0 0 1

	07-16	06-16	05-16	04-11	03-10
APP					
DUE	05-06	05-08	05-08	04-08	03-08
TYPE/TRAN	1 52	1 52	1 52	1 72	1 72
AMOUNT	.00	.00	.00	1,910.42	1,910.42
PRIN-PD	.00	.00	.00	.00	.00
PRIN-BAL	327,500.00	327,500.00	327,500.00	327,500.00	327,500.00
INT-PD	.00	.00	.00	1,910.42	1,910.42
ESC-PD	.00	.00	.00	.00	.00
ESC-BAL	.00	.00	.00	.00	.00
A&H-INS	.00	.00	.00	.00	.00
LIFE-INS	.00	.00	.00	.00	.00
LC/FEES 1	95.52- 1	95.52- 1	95.52-	.00	.00
MISC-PD	.00	.00	.00	.00	.00
ADV-BAL	.00	.00	.00	.00	.00
SUSP	.00	.00	.00	.00	.00
SC/PAYEE					

PAGE 005 OF 009 TOTAL TRANS AVAILABLE 0045 OLDEST TRAN 08-09-06 /P

P309 LN MORTGAGE LOAN HISTORY 12-18-08

NAME BW ETHUN SR INV-LN DUE 05-01-08 TYPE 13-A

BR 00 MAN B P-TYPE 1 INT .0700000 FIRST PB 327,500.00 2ND PB .00

HUD .00 NET 1910.42 SF .00670000 SUSP .00 STOP D B P F N A D L

REP .00 RES .00 B 0 0 2 2 0 0 1

	09-02	08-27	08-27	08-18	08-11
APP					
DUE	00-00	05-08	12-07	05-08	00-00
TYPE/TRAN	6 31	1 61	3 19	1 52	6 31
AMOUNT	.00	5,374.13	5,374.13-	.00	.00
PRIN-PD	.00	.00	.00	.00	.00
PRIN-BAL	327,500.00	327,500.00	327,500.00	327,500.00	327,500.00
INT-PD	.00	.00	.00	.00	.00
ESC-PD	.00	5,374.13	5,374.13-	.00	.00
ESC-BAL	.00	.00	5,374.13-	.00	.00
A&H-INS	.00	.00	.00	.00	.00
LIFE-INS	.00	.00	.00	.00	.00
LC/FEES	.00	.00	.00 1	95.52-	.00
MISC-PD	.00	.00	.00	.00	.00
ADV-BAL	5,374.13	5,374.13	.00	.00	.00
SUSP	.00	.00	.00	.00	.00
SC/PAYEE	PI3000		CHASE		PI3000

PAGE 004 OF 009 TOTAL TRANS AVAILABLE 0045 OLDEST TRAN 08-09-06 P

P309 LN MORTGAGE LOAN HISTORY 12-18-08

NAME BN ETHUN SR INV-LN DUE 05-01-08 TYPE 13-A

BR 00 MAN B P-TYPE 1 INT .0700000 FIRST PB 327,500.00 2ND PB .00

HUD .00 NET 1910.42 SF .00670000 SUSP .00 STOP D B P F N A D L

REP .00 RES .00 B 0 0 2 2 0 0 1

APP	10-22	10-16	09-29	09-29	09-16
DUE	00-00	05-08	00-00	00-00	05-08
TYPE/TRAN	6 31	1 52	6 31	6 31	1 52
AMOUNT	.00	.00	.00	.00	.00
PRIN-PD	.00	.00	.00	.00	.00
PRIN-BAL	327,500.00	327,500.00	327,500.00	327,500.00	327,500.00
INT-PD	.00	.00	.00	.00	.00
ESC-PD	.00	.00	.00	.00	.00
ESC-BAL	.00	.00	.00	.00	.00
A&H-INS	.00	.00	.00	.00	.00
LIFE-INS	.00	.00	.00	.00	.00
LC/FEEES	.00 1	95.52-	.00	.00 1	95.52-
MISC-PD	.00	.00	.00	.00	.00
ADV-BAL	5,374.13	5,374.13	5,374.13	5,374.13	5,374.13
SUSP	.00	.00	.00	.00	.00
SC/PAYEE	PI3000		PI3000	PI3000	

PAGE 003 OF 009 TOTAL TRANS AVAILABLE 0045 OLDEST TRAN 08-09-06 /P

E309 LN MORTGAGE LOAN HISTORY 12-18-08

NAME BW ETHUN SR INV-LN DUE 05-01-08 TYPE 13-A

BR 00 MAN B P-TYPE 1 INT .0700000 FIRST PB 327,500.00 2ND PB .00

HUD .00 NET 1910.42 SF .00670000 SUSP .00 STOP D B P F N A D L

REP .00 RES .00 B 0 0 2 2 0 0 1

	11-24	11-10	11-10	10-29	10-29
APP					
DUE	00-00	05-08	11-08	00-00	00-00
TYPE/TRAN	6 31	1 61	3 12	6 31	6 31
AMOUNT	.00	3,884.48	3,884.48-	.00	.00
PRIN-PD	.00	.00	.00	.00	.00
PRIN-BAL	327,500.00	327,500.00	327,500.00	327,500.00	327,500.00
INT-PD	.00	.00	.00	.00	.00
ESC-PD	.00	3,884.48	3,884.48-	.00	.00
ESC-BAL	.00	.00	3,884.48-	.00	.00
A&H-INS	.00	.00	.00	.00	.00
LIFE-INS	.00	.00	.00	.00	.00
LC/FEES	.00	.00	.00	.00	.00
MISC-PD	.00	.00	.00	.00	.00
ADV-BAL	9,258.61	9,258.61	5,374.13	5,374.13	5,374.13
SUSP	.00	.00	.00	.00	.00
SC/PAYEE	PI3000	09099	PI3000	PI3000	PI3000

PAGE 002 OF 009 TOTAL TRANS AVAILABLE 0045 OLDEST TRAN 08-09-06 P

P309 LN

MORTGAGE LOAN HISTORY

12-18-08

NAME BW ETHUN SR		INV-LN		DUE 05-01-08 TYPE 13-A	
BR 00	MAN B P-TYPE 1	INT .07000000	FIRST PB	327,500.00	2ND PB .00
HUD	.00 NET	1910.42	SF .00670000	SUSP	.00 STOP D B P F N A D L
REP	.00 RES	.00			B 0 0 2 2 0 0 1
APP	12-08	12-08	12-08	12-08	12-05
DUE	00-00	00-00	00-00	00-00	00-00
TYPE/TRAN	6 32	6 32	6 32	6 30	6 31
AMOUNT	.00	.00	.00	.00	.00
PRIN-PD	.00	.00	.00	.00	.00
PRIN-BAL	327,500.00	327,500.00	327,500.00	327,500.00	327,500.00
INT-PD	.00	.00	.00	.00	.00
ESC-PD	.00	.00	.00	.00	.00
ESC-BAL	.00	.00	.00	.00	.00
A&H-INS	.00	.00	.00	.00	.00
LIFE-INS	.00	.00	.00	.00	.00
LC/FEEES	.00	.00	.00	.00	.00
MISC-PD	.00	.00	.00	.00	.00
ADV-BAL	9,258.61	9,258.61	9,258.61	9,258.61	9,258.61
SUSP	.00	.00	.00	.00	.00
SC/PAYEE	AT4074	AT4074	AT4074	AT4074	PI3000

PAGE 001 OF 009 TOTAL TRANS AVAILABLE 0045 OLDEST TRAN 08-09-06 /P